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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,673	01/18/2005	Peter Bolz	10191/3725	2310
26646	7590	10/17/2007		
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER HSU, ALPUS	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,673

Applicant(s)

BOLZ, PETER

Examiner

Alpus H. Hsu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/18/05</u> | 6) <input type="checkbox"/> Other: ____ |

1. The drawings are objected to because all blocks in Figures 1-3 should be labeled with descriptive legends known in the art.

The drawings are further objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "3" has been used to designate both wireless link as in page 2, line 26 and wireless interface as in page 2, line 32, and reference character "4" has been used to designate both terminal as in page 2, line 32 and wireless link as in page 4, lines 29-30.

The drawings are additionally objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "database 2C".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, line 2, the terms of "CAN" bus and "MOST" bus should be further defined as to what each stands for.

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by ABLAY et al. in U.S. Patent No. 6,275,585 B1, hereinafter referred to as ABLAY.

Referring to claim 10, ABLAY discloses a device for accessing a vehicle control system via a wireless link, comprising: a gateway unit (107) mounted in a vehicle which is connected on one side to at least one control unit (103, 111, 113) in the vehicle and includes a link (140) to at least one wireless network (150) on the other side, the gateway unit being adapted so that it is freely configurable via the wireless link.

Referring to claim 15, ABLAY discloses that the gateway unit is further connected to a wireless modem (109) for connection to a wireless network (150).

Referring to claim 16, ABLAY discloses that the connection is implemented one of (a) directly and (b) via a bus (115).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11, 13, 14, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over ABLAY in view of BRAUN et al. in U.S. Patent No. 6,604,024 B2, hereinafter referred to as BRAUN.

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Referring to claims 11, 13, and 17-19, ABLAY differs from the claims, in that, it does not disclose the features of the gateway unit includes a microcomputer equipped with a software platform, and a non-volatile buffer memory, which are well known in the art and common adopted in communications field for hardware/firmware/software implementation.

BRAUN, for example, from the similar field of endeavor, teaches a gateway unit (100) includes a microcomputer (101) equipped with a software platform (101), and a non-volatile buffer memory (101 and 103) (see col. 5, lines 8-30), which can be easily adopted by one of ordinary skill in the art to implement into the device in ABLAY to provide any desired hardware/firmware/software implementation to fulfill the user's request or designer's choice.

Referring to claim 14, BRAUN also discloses the feature of the vehicle bus being one of a CAN bus, a MOST bus, and a K line bus (see col. 3, line 60 to col. 4, line 5).

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over ABLAY in view of BRAUN as applied to claims 10 and 11 above, and further in view of MOCEK et al. in U.S. Patent No. 7,127,386 B2, hereinafter referred to as MOCEK.

Referring to claim 12, the device provided from ABLAY in view of BRAUN differs from the claim, in that, it does not disclose the specific software platform being a Java Virtual Machine, which is also well known in the art and common adopted in communications field for specific software implementation.

MOCEK, for example, from the similar field of endeavor, teaches the application of specific Java Virtual Machine (see col. 6, lines 41-49), which can be easily adopted by one of ordinary skill in the art to implement into the device in ABLAY in view of BRAUN to provide the specific software implementation to further improve the device efficiency.

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Jones et al., Wacker et al., Ablay et al. '497 & '534, Hauer et al., and Davis et al. are all cited to show the common feature of vehicle control system utilizing microcomputer/processor, memory, and buses similar to the claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571)272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHH



Alpus H. Hsu
Primary Examiner
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